

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
FINDINGS IN CONNECTION WITH
THE APPROVAL OF THE
TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS PHASE A
PROJECT
UNIVERSITY OF CALIFORNIA, SANTA CRUZ CAMPUS**

I. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION

Pursuant to Title 14, California Code of Regulations, Section 15074(b), the Chancellor of the University of California, Santa Cruz campus (“UC Santa Cruz”) pursuant to authority delegated from the Board of Regents of the University of California (The Regents) (hereinafter referred to collectively as the University), hereby finds that the Mitigated Negative Declaration and the Initial Study prepared for the proposed Telecommunications Infrastructure Improvements (“TIU”) Phase A Project (“Project”) have been completed in compliance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA). The University further finds that it reviewed and considered the information contained in the Mitigated Negative Declaration and Initial Study, and in the campus’ 2005 Long Range Development Plan Environmental Impact Report (2005 LRDP EIR), and any comments on these documents prior to approving the design of the project. The University hereby finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the University and adopts the Mitigated Negative Declaration.

The Initial Study analyzes the potential environmental impacts of the full scope of the planned TIU Phase A Project, which consists of upgrades to the interior telecommunications infrastructure in 28 existing buildings, installation of new telecommunications conduit, fiber, and vaults between various locations on the campus, and construction of a new South Core telecommunications building in the Campus Facilities area near the southern end of the campus.

II. FINDINGS

The University certifies that its Findings are based on a full appraisal of all information in the records, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Initial Study and Mitigated Negative Declaration that are supported by substantial evidence in the record. The University hereby adopts the following Findings pursuant to Title 14, California Code of Regulations, Section 15074, in conjunction with the approval of the project, as set forth in Section III, below.

A. Background

The TII Phase A Project is the first of several planned phases of implementing a Telecommunications Master Plan for the Santa Cruz campus. The goal of the master plan is to achieve communications infrastructure modifications to support voice, data, video, and multimedia requirements throughout the campus through 2020. The campus has been divided into four geographic areas, grouped by each area’s primary network routing hub. Each phase will construct upgrade telecommunications infrastructure in one of these areas, including

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augmentation of cable between buildings and upgrades to interior wire, telecommunication closets, and network equipment in State-owned buildings. In addition to addressing existing deficiencies, the upgrades would support 1 gigabit-per-second Ethernet service to the desktop, as well as additional wireless service expansion and conversion to Voice over IP technology, which provides network and voice services over a single wall jack.

Phase A would upgrade infrastructure to and within 28 non-residential buildings in the four western colleges buildings in the western part of Science and Engineering Area that are served by the ADF in Thimann Laboratories. This phase also includes construction of a secondary telecommunications hub at the base of campus, in a new South Core Building, to ensure greater service reliability for the Campus' telecommunications network. New conduit and cables would be installed to link the new South core building to the existing north core at the Communications Building. The Phase A project also includes some additional cabling to serve other parts of the campus. The Project would install a total of approximately 10,600 linear feet (lf) of new conduit. The new conduit would be installed primarily beneath existing paved and dirt roads, but some would be installed in grassland in the lower campus and the meadow north of the Arboretum. To the extent feasible, the new conduit would be installed using directional drilling methods, but trenching would be required in areas where there are multiple existing utilities. The Telecommunications Infrastructure Improvement Projects Phases B through D are currently in planning, with construction planned for 2014 through 2016. The facilities constructed under Phase A Project would function independently and improve the Campus' telecommunications service, even if the subsequent phases are delayed or ultimately not constructed.

B Environmental Review Process

Preparation of the Initial Study

A Tiered Initial Study (State Clearinghouse No. 2012102010) was prepared for the Project in accordance with CEQA and the University of California Procedures for Implementation of CEQA. The Initial Study, in accordance with Section 15168 of the CEQA Guidelines, is tiered from the campus 2005 LRDP EIR (State Clearinghouse No. 2005012113), which was certified by The Regents in connection with the approval of the 2005 LRDP in September 2006.

The proposed Project is part of the physical development proposed in the 2005 LRDP; therefore, the environmental analysis for the project is presented and analyzed within the context of the 2005 LRDP and incorporates by reference applicable portions of the 2005 LRDP EIR. The 2005 LRDP EIR, which is a program EIR pursuant to Section 15168 of the CEQA Guidelines, analyzes the overall effects of campus growth and facility development through 2020-21, and identifies measures to mitigate the significant adverse impacts and cumulative impacts associated with that growth.

As a tiered document, the Initial Study for the project relies on the 2005 LRDP EIR for: (1) a discussion of general background and setting information for environmental topic areas; (2) overall growth-related issues; (3) issues that were evaluated in sufficient detail in the 2005 LRDP EIR for which there are no significant new information (including new mitigation measures), changes in the project, or changes in circumstances that would require further analysis; and (4) cumulative impacts. The purpose of the Tiered Initial Study is to evaluate the potential

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environmental impacts of the project with respect to the existing 2005 LRDP EIR analysis in order to determine what level of additional environmental review, if any, would be appropriate.

The Tiered Initial Study analyzes the potential impacts of the Project and the adequacy of the existing environmental analysis in the 2005 LRDP EIR with regard to the following environmental topic areas: (1) aesthetics, (2) agricultural resources, (3) air quality, (4) biological resources, (5) cultural resources, (6) geology, soils, and seismicity, (7) hazards and hazardous materials, (8) hydrology and water quality, (9) land use and planning, (10) mineral resources, (11) noise, (12) population and housing, (13) public services, (14) recreation, (15) transportation, circulation and parking, and (16) utilities and service systems. The Tiered Initial Study also includes a section on climate change, which analyzes the potential impacts of greenhouse gas emissions associated with the Project on global climate change. This issue area was not analyzed in the 2005 LRDP EIR, but has subsequently been added to the CEQA checklist to reflect changes in State law.

The Initial Study determined that the Project would not result in potentially significant impacts to special status plants, Ohlone tiger beetle, California red-legged frog, western pond turtle, and American badger, that were not previously identified in the LRDP EIR. These impacts would be reduced to less-than-significant levels with implementation of project-specific mitigation measures identified in the Initial Study. The project incorporates applicable mitigation measures identified in the LRDP EIR that address the following potential impacts of the project: degradation of visual character and quality; light pollution; construction-related air pollution emissions; disturbance of nesting birds and over-wintering burrowing owl; unexpected discovery of cultural resources during construction; risks associated with geological hazards and hazards associated with contaminated building materials; obstruction of emergency access during construction; effects of construction activities and the development of new impervious surface on water quality; and construction noise.

In addition, with the incorporation of the identified LRDP EIR mitigation measures and the project-specific mitigation measure noted above, the project would not result in any significant environmental impacts. The University prepared a Mitigated Negative Declaration for the TIU Phase A Project that reflects the conclusions of the Tiered Initial Study. The project's Proposed Mitigated Negative Declaration and Draft Tiered Initial Study were submitted to the State Clearinghouse in the Governor's Office of Planning and Research and circulated for a 30-day public review period beginning on October 31, 2012 and concluding on November 2, 2012. During that time, the document was available for review by various state and local agencies, as well as by interested individuals and organizations. One comment letter was received from the California Department of Fish and Wildlife during the comment period. This letter states that a focused plant survey should be performed to determine whether special-status plants are present at the project site before the University adopts a Mitigated Negative Declaration; recommends moving the conduit bore holes to disturbed areas; and describes the conditions under which a California Endangered Species Permit or a Lake and Streambed Alteration Agreement would be required for the Project. A follow-up comment letter was received from the Department of Fish and Wildlife in March 2013. The follow-up comment letter requested an explanation of why it would not be feasible to install all of the new conduit in an existing roadway rather than through grassland, and asked whether the Initial Study analyzed the cumulative impacts of maintenance

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of a telecommunications line in grassland. The University also received a letter from the Monterey Bay Area Unified Air Pollution Control District stating that the District had no comments. Copies of these letters and responses to comments can be found in Appendix F of the Final Initial Study. As further explained in the responses to comments, none of the comment letters raised issues requiring recirculation pursuant to CEQA Guideline 15073.5, including identification of a new, avoidable significant effect requiring the addition of a new mitigation measure, or a determination that the proposed mitigation measures or project revisions will not reduce potential effects to a less-than-significant level.

Absence of Significant New Information

CEQA Guidelines Section 15073.5 requires a lead agency to recirculate a negative Declaration for further review and comment when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption. New information includes: (i) a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or (ii) the lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. Since the Draft Initial Study/Mitigated Negative Declaration was circulated for public review, minor changes to the Project have been made as part of the design development process. These changes include modifications to the list of buildings proposed for interior telecommunications infrastructure upgrades, and changes to the types of telecommunications equipment and cabling that will be installed. Having reviewed the information contained in the Final Initial Study and in the administrative record as well as the requirements under CEQA Guidelines Section 15073.5 and interpretive judicial authority regarding recirculation of draft negative declarations, in connection with their adoption of the Mitigated Negative Declaration, University find that no substantial revisions to the Mitigated Negative Declaration were required following public review and thus, recirculation of the Mitigated Negative Declaration was not required by CEQA.

C Relation of the Project to the LRDP EIR

The 2005 LRDP EIR is a Program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.) and Section 21080.09 of the Public Resources Code. The 2005 LRDP EIR analyzed full implementation of uses and physical development proposed under the 2005 LRDP through the year 2020-21 to accommodate a projected total enrollment level of 19,500 students, and identified measures to mitigate the significant adverse project and cumulative impacts associated with that growth. The Project would not result in any increase to the campus population, and accordingly, would not exceed the population increase projected in the 2005 LRDP EIR. Additionally, the Project is consistent with and is part of the campus development that was anticipated in the 2005 LRDP and evaluated in the 2005 LRDP EIR.

D. Environmental Summary

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The TIU Phase A Project would not result in significant project level impacts or make cumulatively considerable contributions to significant cumulative impacts, including those identified in the 2005 LRDP EIR.

1. Potentially Significant Impacts that are Reduced to a Less-than-Significant Level with Proposed Mitigation

The Initial Study identifies the following potentially significant impact associated with the Project that would be reduced to a less-than-significant level by the implementation of mitigation measures identified in the Initial Study. The associated mitigation measures are identified and briefly discussed below. The Initial Study provides the full text and detailed description of these mitigation measures (see Attachment 1 to these Findings, and Initial Study Appendix C).

a. Potential impact on special-status plants.

The Initial Study (p. 24) determined that Project-related construction activities could adversely impact three special status plant that could potentially occur in the portions of the project area. Although the potential that these plants are present at the project site is low, if they are present and are killed, the impact is considered potentially significant. This impact would be reduced to a less-than-significant level with implementation of TII Phase A Mitigation BIO-1.

b. Potential impact on Ohlone tiger beetle

The Initial Study (pp. 25-26) determined that there is potential habitat for Ohlone tiger beetle, a federally-listed endangered species, in the Project area, and that Project construction activities could result in adverse impact to the species, if it is present. This impact would be reduced to a less-than-significant level with implementation of TII Phase A Mitigations BIO-2 and BIO-3.

c. Potential impact on California red-legged frog

The Initial Study (pp. 27-28) determined that portions of the Project area could serve as a movement corridor for California red-legged frog, a federally listed threatened species and a State Species of Special Concern. Even with implementation of LRDP Mitigation BIO-9, which is applicable to and incorporated in the Project, construction in these locations could result in mortality of individual CRLF. This potentially significant impact would be reduced to a less-than-significant level with implementation of TII Phase A Mitigations BIO-4A -4B.

d. Potential impact on western pond turtle

The Initial Study (p. 28) determined that there is a potential for western pond turtle, a State Species of Special Concern, in a portion of the Project area and that, if nests are present within areas that will be disturbed by construction, eggs or hatchlings could be lost. Although this species has not been observed in the vicinity since 1992, disturbance of nests, if present, is considered a potentially significant impact. This impact would be reduced to a less-than-significant level with implementation of TII Phase A Mitigations BIO-5.

e. Potential impact on American badger

The Initial Study (p. 30) determined that suitable habitat for the American badger, a State Species of Special Concern, occurs in a portion of the Project area and that, if badgers are present, Project construction activities could result in mortality or disturbance of individual

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members of the species. This is considered a potentially significant impact, which would be reduced to a less-than-significant level with implementation of TII Phase A Mitigations BIO-6.

3. Less-than-Significant Impact or No Impact

For the issues described below, the Project would result in no impact or less-than-significant impacts, and no mitigation measures would be needed.

a. Aesthetics

Based on the analysis presented in the Initial Study (pp. 14-15), the proposed Project would not have an impact on scenic vistas. The Project would not have a significant impact related to scenic resources, degradation of the visual character and quality of the site and its surroundings, or with related to light and glare, because the Project incorporates 2005 LRDP EIR mitigations AES-5A, AES-6B, AES-6C and AES-6E, which require review of project design by the UCSC Design Advisory Board, and define standards for lighting. No mitigation is necessary.

b. Agricultural and Forestry Resources

Based on the analysis presented in the Initial Study (pp. 18-19), the proposed Project would have no impact related to agricultural or forestry resources.

c. Air Quality

Based on the analysis presented in the Initial Study (pp. 20-22), the Project would have no impact related to conflict with the applicable Air Quality Management Plan or objectionable odors. Emissions of criteria air pollutants and toxic air contaminants associated with project construction and operations would result in less-than-significant impacts with respect to air quality standards and exposure of sensitive receptors to pollutants, because the Project incorporates 2005 LRDP EIR Mitigations AIR-1 and AIR-6, which require measures to control construction-related emissions of fugitive dust and toxic air contaminants.

d. Biological Resources

Based on the analysis presented in the Initial Study (pp. 23-31), the Project would have no impact on sensitive natural communities or federally protected wetlands, or with respect to conflicts with local policies or ordinances protecting biological resources, and would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The Project would have less-than-significant impacts on nesting special-status birds, over-wintering burrowing owl, and San Francisco dusky-footed woodrat (a State-listed species of concern), because the Project incorporates 2005 LRDP Mitigations BIO-6, BIO-11 and BIO-12A and -12B, which require pre-construction surveys and other avoidance measures for species that could be affected by the Project.

e. Cultural Resources

A portion of the Project site is within the 30-acre Cowell Lime Works Historic District, which is listed on the National Register of Historic places for its importance to local and state history. Based on the analysis presented in the Initial Study (pp. 34-36), the Project impacts related to archaeological resources, paleontological resources and unique geological features, and

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disturbance of human remains would be less than significant because the Project incorporates 2005 LRDP Mitigations CULT-1A through -1H, CULT 2B, CULT-4C, CULT-5A, CULT-5C and CULT-5D. No mitigation is required.

f. Geology and Soils

Based on the analysis presented in the Initial Study (pp. 37-39), the Project would result in no impact related to rupture of a known earthquake fault or the use of septic tanks or alternative wastewater disposal systems. Impacts of the Project related to seismic shaking, soil erosion or loss of topsoil, and construction on an unstable geologic unit or on expansive soil would be less than significant because the Project incorporates 2005 LRDP Mitigation GEO-1, which requires that the Campus perform and implement the recommendations of detailed geotechnical studies for projects located on sites where existing geotechnical data is insufficient. No mitigation is required.

g. Greenhouse Gas Emissions

Based on the analysis presented in the Initial Study (40-44), the Project would not result in greenhouse gas emissions that may have a significant effect on the environment and would not result in a significant impact related to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No mitigation is required.

h. Hazards and Hazardous Materials

Based on the analysis presented in the Initial Study (pp. 45-47), the Project would have no impacts related to hazardous emissions or handling of hazardous or acutely hazardous materials within one-quarter mile of a school; safety hazards associated with a public airport or private airstrip; or wildland fires. The Project impacts related to hazardous materials use, storage and disposal; risks associated with construction on a hazardous materials site; impairment of an adopted emergency response plan or emergency evacuation plan; and wildland fires; would be less-than-significant because the Project incorporates 2005 LRDP Mitigations HAZ-7 and HAZ-9A, which require that the Campus survey buildings for potential contamination before any demolition work and continue to implement existing Campus policies regarding notification of road closures and emergency access during construction. No mitigation is required.

i. Hydrology and Water Quality

Based on the analysis presented in the Initial Study (pp. 48-50), the Project would not result in impacts related to waste discharge requirements, flooding, groundwater recharge, or inundation by seiche, tsunami or mudflow. The Project impacts related to alteration of existing drainage patterns and increases in runoff would be less than significant with implementation of TII Phase A Mitigation BIO-2B and because the Project incorporates 2005 LRDP Mitigations HYD-3C and HYD-3D. No mitigation is required.

j. Land Use

Based on the analysis presented in the Initial Study (p. 51), the Project would not result in any impacts related to land use.

k. Mineral Resources

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Based on the analysis presented in the Initial Study (p. 52), the Project would not result in any impacts related to loss of availability of mineral resources.

l. Noise

Based on the analysis presented in the Initial Study (pp. 53-55), the Project would not result in a permanent increase in noise or vibration. Project construction noise would be less than significant because the Project incorporates 2005 LRDP EIR Mitigation NOIS-1. LRDP EIR Mitigation NOIS-2, which requires that only City-designated truck routes shall be used for Contractor, would reduce the Project's contribution to the less-than-significant cumulative off-campus noise impact of construction traffic associated with development under the 2005 LRDP.

m. Population and Housing

Based on the analysis presented in the Initial Study (p. 56), the Project would not result in impacts related to population growth, displacement of existing housing or people, or creation of a demand for housing. No mitigation is required.

n. Public Services

Based on the analysis presented in the Initial Study (p. 57), the Project would not result in significant impacts associated with the provision of new or physically altered governmental facilities. No mitigation is required.

o. Recreation

Based on the analysis presented in the Initial Study (p. 58), the Project would not result in impacts related to increased use of existing recreational facilities or the construction or expansion of recreational facilities. No mitigation is required.

p. Traffic, Circulation and Parking

Based on the analysis presented in the Initial Study (pp. 59-60), the Project would not result in impacts related to an increase in traffic, a change in air traffic patterns, hazards associated with design features, parking capacity or alternative transportation. The Project would result in a construction-phase impact on emergency access that would be less than significant because the Project incorporates 2005 LRDP Mitigation HAZ-9A, which requires that the Campus continue to implement existing policies regarding notification of road closures and emergency access during construction.

q. Utilities and Service Systems

Based on the analysis presented in the Initial Study (pp.61-62), all impacts of the Project related to utilities would be less than significant. Implementation of LRDP EIR Mitigations UTIL-4, which is incorporated in the Project, would further reduce Project-related solid waste generation.

D. Incorporation by Reference

These Findings incorporate by reference in their entirety the text of the Initial Study and Mitigated Negative Declaration prepared for the Project; and the 2005 LRDP EIR Mitigation Monitoring Program and re-affirm the Findings adopted by The Regents in connection with its approval of the 2005 LRDP and LRDP EIR. Without limitation, this incorporation is intended to

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elaborate on the scope and nature of project and cumulative impacts, related mitigation measures, and the basis for determining the significance of such impacts.

E. Mitigation Monitoring Program

CEQA requires the Lead Agency approving a project to adopt a monitoring program for changes to the project that it adopts, incorporates into the project, or makes a condition of approval, or in order to ensure compliance during project implementation. The Mitigation Monitoring Program for the project-specific mitigation measure identified above, prepared to serve this purpose, is included in the Initial Study as Appendix C and is hereby adopted by the University.

F. Record of Proceedings

Various documents and other material constitute the record of proceedings upon which the University bases the Findings and decisions contained herein. These documents are located in the offices of Physical Planning and Construction; Barn G, University of California, 1156 High Street, Santa Cruz, CA 95064. The custodian for these documents is the Office of Physical Planning and Construction.

G. Summary

Based on the foregoing Findings and the information contained in the record, the University finds with respect to the project:

1. Changes or alterations have been required in, or incorporated into, the Approval for the project. These changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Initial Study.
2. There is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration reflects the University's independent judgment and analysis.

III. APPROVALS

Based on the foregoing, the University intends to take the following actions:

- A. Adopt a Mitigated Negative Declaration based on the Initial Study for the Project as described in Section I, above.
- B. Adopt and incorporates into the TIU Phase A Project all the mitigation measures identified in the project's Initial Study.
- C. Adopt the Mitigation Monitoring Program for the project included in the Initial Study as Appendix C.
- D. Adopt these Findings in their entirety as set forth in Section II, above.

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- E. Approve the design and construction of the TIU Phase A Project.